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Interim Report of the Agricultural Lease Review Committee

May 1998





LEGISLATIVE ASSEMBLY
ALBERTA

Honourable Ed Stelmach, Minister
Agriculture, Food and Rural Development
208 Legislature Building
Edmonton, Alberta

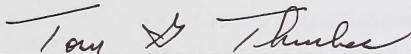
Honourable Ty Lund, Minister
Environmental Protection
323 Legislature Building
Edmonton, Alberta

Dear Mr. Stelmach and Mr. Lund:

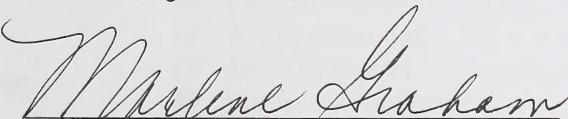
The Agricultural Lease Review Committee is pleased to present you with our interim report and recommendations. We heard the views of Albertans on the management of public land in the White, or settled, areas of the Province. In developing our recommendations, the Committee addressed several long standing issues involving the balance of rights and obligations of the agricultural disposition holder.

Albertan's views are further reflected in the development of a new vision for the management of public land in the White Area. We look forward to receiving feedback from Albertans prior to submitting our final recommendations to you.

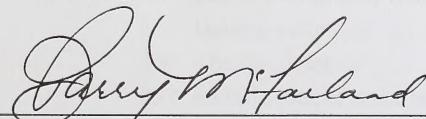
Respectfully submitted,



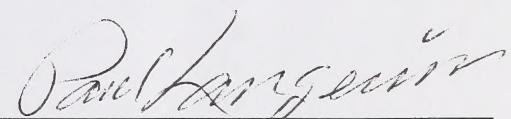
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Agricultural Lease Review Committee

Interim Report

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Background

A number of public land agricultural leasing issues have been of concern to Albertans and have caused both public land disposition holders and other members of the public to voice their concerns to the government.

On March 26, 1997, Premier Klein announced the appointment of Tom Thurber, MLA, Drayton Valley - Calmar to lead the review of public lands policies in the White Area of the province with special emphasis on grazing lease issues. On May 27, 1997, the Honourable Ed Stelmach announced the terms of reference for the *Agricultural Lease Review Committee* (see appendix I). Marlene Graham, MLA, Calgary Lougheed; Paul Langevin, MLA, Lac La Biche - St. Paul; Barry McFarland, MLA, Little Bow; and Ivan Strang, MLA, West Yellowhead were appointed to serve with Mr. Thurber.

Public land in the White Area covers approximately 6 per cent of the Alberta land base, or 10 million acres. This public land is primarily agricultural land (settled), managed for agriculture and multiple use.

Introduction

The Agricultural Lease Review Committee held 23 public meetings in 20 locations across Alberta during October and November of 1997 to consult with Albertans on views and issues they wished to present. Before each public meeting, an open house was hosted by staff from Agriculture, Food and Rural Development and Environmental Protection to provide information and clarification of existing government policy and legislation for the management and leasing of public land in the White (settled) Area. The dates and locations of these meetings are outlined in Appendix II.

Written submissions were also received by the Committee until December 31, 1997. In total, we heard 259 verbal presentations and received 454 written presentations from Albertans. We reviewed the written and verbal presentations and used them to form the basis for this report. A few representative quotes from these presentations are included in the margins. For a summary of submissions, please see Appendix III.

"I got a feel for many of the issues from the various interest groups."

— Grande Prairie 1997

A Public Land Management Strategy

In March, 1997, the Agricultural Lease Review Committee set out to hear the views of Albertans regarding the management of public land in the White, or settled, Area of the province. The intent of the review was to examine viewpoints and current policies and practices, and to develop recommendations to resolve several long-standing issues regarding public land management. Most of these issues involve the balance of the rights and obligations of agricultural lease holders, especially holders of grazing leases. Some examples of the issues are the degree of control of public access by grazing lease holders, and the compensation received for industrial surface access. Much of the public land we have today was considered "marginal" or "waste land" when settlers originally opened these areas for agriculture. Today they are valuable resources for the grazing of livestock. Over the years, Alberta society's needs and expectations have changed, and the balance of rights and obligations needs to be clarified at least, and changed, where necessary, to reflect the needs and goals of an Alberta poised to enter the next millennium. To accomplish this review, we went to communities to hear what Albertans at the grass roots level had to say.

Based on the input that we received from our public meetings and written submissions, we are proposing the following strategy for management of these public lands. The principles, goals and recommendations reflect our views after hearing what people told us during the public review. This document is now presented to Albertans for their further review in developing a new vision for public land management in the White Area. We would appreciate feedback from both those who agree and those who disagree with the contents of our recommendations. Your opinions are very important to us.

1. Alberta's Public Lands in the White Area – Guiding Principles

As a Committee we heard that Alberta's provincial public lands, whether they are grasslands, forested lands or wetlands, possess a spectrum of unique attributes that Albertans value. Their essential quality seems to be that they are natural landscapes that have had limited alteration by human activity and as such represent living links to the past. Historically, the principle uses for public land in the settled (White) area has been livestock grazing in support of ranching and farming, with smaller parcels of cultivation and vacant public land primarily limited to the northern half of the Province. Today, land leased for grazing remains largely ecologically intact, having unique soil, vegetation and animal life, where natural processes and functions are still at work.

We heard that healthy grazing lease lands provide a variety of important values for the agriculture sector and society as a whole. To livestock producers, grazing lease lands provide an important supply of forage and water for livestock production. With

"Alberta's greatest treasure is its public lands."

— Calgary 1997

careful management, stable flows of animal products can be sustained, and local individuals and communities supported, while maintaining the basic rangeland resources (soil, vegetation and water). In addition, grazing lease lands are important storehouses of bio-diversity, supporting rich native plant communities, providing habitat for fish and wildlife species, and are valued for other natural resources. They are valued by many for their heritage, recreational and aesthetic values. These lands are also vital to the proper functioning of watersheds and for providing quality water to downstream users. The lands also support the needs of industrial users. In short, grazing lease lands are managed under a multiple use philosophy to meet the many and varied needs of Albertans.

"Man, grass and grazing animals have had a symbiotic relationship."

– Calgary 1997

Although there are different and sometimes conflicting goals and aspirations for these lands, there exists a fundamental principle (a common vision) that was conveyed to us over the course of our consultation - *that Alberta's settled area public lands and in particular grazing lease lands are a precious resource that warrants careful long-term stewardship and protection.* Stewardship carries with it the responsibility to protect resource health and long-term sustainable production through thoughtful management of the components of rangeland ecosystems.

Grazing lease lands are a spectrum of sizes, from large landscapes, townships in size, to individual quarter sections. At the large scale these lands represent whole ecological units. At the small scale, they can be islands of native communities within the altered landscape. The common vision of Albertans seems solidly behind maintaining the largely unaltered public land landscapes, for a variety of private and public values. This vision includes consideration of the health of these landscapes. By understanding ecological principles, careful management nourishes their productive capacity.

2. Goals

With the guiding principles in mind, these goals refined our recommendations:

- Public lands are viewed by Albertans as a valuable asset to the Province of Alberta. These lands are legacies for Albertans. The management of these lands must sustain this legacy and maintain the positive impact on the environment. They should be managed to achieve the greatest benefits to the Province and its people.
- To the extent possible, as many Albertans from all walks of life, should benefit and enjoy the natural beauty and splendor of Alberta, including public lands. Use of these lands is not a right, but rather a privilege (i.e. Albertans do not have an unrestricted right to use all public land as some rights have been granted to disposition holders).
- The primary use of public land in the White Area should continue to be for agricultural purposes, though multiple uses will continue to be encouraged.
- The lease holder should be recognized as a "steward" of their disposition.

- The grazing of livestock is recognized as essential in maintaining the biodiversity and productivity of the grasslands within the White Area.
- The livestock industry's contribution is recognized in the development and growth of this Province.
- Legislation, regulation, and policy should be uniform and clear. Information explaining this legislation and policies should then be provided to the public and to users to increase their awareness and understanding.

3. Issues

In general, we see a need for a revised arrangement with disposition holders to reflect current realities in public land management. We have chosen to discuss specific issues of importance, in a format that generally explains the issue, outlines our intention regarding that issue, and finishes with our recommendation. Other issues were also seen as important and we chose to make comments to be considered in future public land management policy development. These "comments" appear later in the report.

The following are issues we wish to address and make recommendations on:

3.1 Sale of public land

Should public land which is used primarily for agricultural production be sold or retained under Provincial ownership?

Committee's Intention

We support the continued use and conservation of public land under Provincial ownership. There is a public expectation that these lands continue to be managed by the Province. They are a public resource which is an asset of the Province. This intention will be tempered with orderly sales of vacant public land in the Peace River Block which are not required for Provincial programs and conservation.

"Public land in Alberta is a legacy we can hand down to the next generation."

– Red Deer 1997

Committee's Recommendations

The public land base in the White area should be maintained under Provincial control. We recognize the following exceptions:

- Public land in the White Area which is cultivated will be sold if no conservation reasons exist to preclude the sale and the existing disposition holder agrees to the sale. All land sales will be made through a public tender or auction. There will also be a provision to trade saleable public land for deeded lands of significant conservation value.

- Fragmented and/or fractional pieces of public land which are too small to provide a conservation value, and are inefficient to manage, will be sold by public tender or auction. The existing disposition holder must agree to the cancellation of the disposition.
- For the two previous recommendations, any existing agricultural lease holder will have the right to match the highest bid in the public auction or tender.
- There is still a role for land in the Peace River Block to be sold for agricultural development, if it is surplus to the Province's needs. This would be done only as demand warranted and applications are received, in close cooperation with the local municipal governments, and with public involvement.

3.2 Access to public land

One of the topics most discussed by presenters and in written submissions to us was the question of public access on grazing leases. Public access was generally considered by most people as meaning access for recreational uses such as hunting, hiking and birdwatching.

Committee's Intention

We realize that opinions concerning public access on agricultural leases differ widely. Albertans' opinions on this issue tend to cover points such as who is the "gate-keeper" and what is the "gate-keeper's" role?

We recognize that agricultural lessees, in addition to managing their grazing lease, are also managing a business. We have often heard that lessees can best manage both if they have control of activities which affects their livestock and the grazing resource upon which they depend. However, we also recognize and have often heard that the lands contained in agricultural leases frequently have natural and recreational values which the public would like to, and should be allowed to, enjoy.

With this in mind, it is our intention to identify who the "gate-keeper" will be, as well as define what the "gate-keeper's" role will be and to clarify how all parties' interests can be fairly accommodated. The recommendations provided below are somewhat general, by intention. We want to avoid having the debate sidetracked by speculation on details needed to implement the recommendations. The task at hand is to come to agreement on the recommendations first. Only then can the details of implementing any accepted recommendations be worked out.

Committee's Recommendations

- The Province, as the owner of public land, will designate the agricultural lease holder as its "gate-keeper" for recreational access to the grazing disposition. Any recreational user wishing to access public land held under an agricultural lease must seek permission of the lease holder who controls access. The lease holder may deny access based on considerations such as the protection of the land base, protection of the grass resource, and the protection of personal property from the risk of damage resulting from the proposed activity or season of use.

"Access control does not preclude recreational use, but instead insures accountability and responsible use."

– Cochrane 1997

- If the public recreational user considers that the agricultural lease holder is unreasonably restricting access, they will be able to voice their concern by contacting the Province, as the land owner. Public Lands staff would discuss the concern with both the agricultural lease holder and those recreational users wishing to gain access. If the concern has merit, Public Lands staff will work with the lease holder to resolve the concern.

"To be responsible is to respect."

– Westlock 1997

- As part of an expanded “Use Respect Program”, the Province will provide the agricultural lease holders with books containing permission slips that both the recreational user and the lease holder would sign. Copies of these permission slips will be kept by the agricultural disposition holder, and will be open for review by the Province. A statement of the agricultural lease holder’s “policy” on public recreational access, should be available upon request. The signed permission slips would make users responsible for their actions on the lease and will limit liability of the rancher.
- The Province, as the owner of public land, will encourage further education of all users of public land through an enhanced “Use Respect Program” and through other education initiatives.
- If there is a long-term denial of reasonable access by the agricultural lease holder, further action can be taken by the Province (as the land owner) which may ultimately result in cancellation of the disposition.

3.3 Liability

We heard numerous concerns by the ranching community regarding the liability they carry when allowing recreational users onto agricultural dispositions they hold. Similarly, numerous recreational users empathized with the ranchers, and felt that recreational users should be responsible for their own actions.

Committee’s Intention

We wish to encourage responsible public recreational access, with the public recognizing that the user will be responsible for their own actions.

Committee’s Recommendation

We recommend that as a part of the expanded “Use Respect” program, permission slip booklets be made available to agricultural disposition holders. These permission slips would be issued to recreational users and signed by both the recreational user and the agricultural disposition holder. The signed permission slips would remove a large part of the agricultural disposition holder’s duty of care under the Occupier’s Liability Act, and place the responsibility on the actual user. We view this approach as balancing the interests of agricultural disposition holders and recreational users.

"Each user has to accept liability for their use."

– Red Deer 1997

3.4 Industrial access and surface compensation

We heard numerous concerns expressed over both the level of compensation paid to agricultural disposition holders and the amount of control agricultural disposition holders have over industrial development.

Committee's Intention

We see the need to establish the Province's role as land owner in determining what industrial development will occur on public land. We also see a need for a new sharing arrangement between the land owner and the agricultural disposition holders for the surface compensation payments. Although the agricultural disposition holder, as the "steward", is faced with increased pressures from the development of resources on public land which they have under a disposition, the Province's role as the land owner must also be recognized. The land owner will collect all the compensation and reimburse its tenants to reflect the increased pressures from the new activity.

"The Province as owners of the land should receive surface compensation payments."

— Edmonton 1997

The intention and recommendations outlined for this issue are not intended to apply to negotiations on deeded land.

Committee's Recommendations

The land use decision for the industrial development would be the Province's (i.e., the land owner's) responsibility after the developer had consulted with the agricultural disposition holder regarding operational concerns. The area under development would be removed from the agricultural disposition resulting in the resource developer paying individual lease fees on this area.

Surface Compensation Sharing Arrangement for new oil and gas developments:

- The Province, as the land owner, would collect all the compensation currently paid to the agricultural disposition holder, as well as current rental payments paid to the Province, in one new fee. A schedule of fees would be developed by the Province which will show the amount the oil company will pay based on existing compensation and rental payments as well as considering regional differences. First year and annual rental fees would be paid for oil and gas activities on all public land in the White Area (vacant or under disposition). The average first year payments would be \$925/acre (e.g., \$3700 for a 4 acre well site) with the average annual rental of \$350/acre (e.g., \$1400 for a 4 acre well site).
- Though the new surface compensation sharing arrangement is different than the current system, the overall amount paid by the oil and gas industry would not change for compensation and rental.

"Leaseholders should receive compensation for real losses."

– Drayton Valley 1997

- Under this new surface compensation sharing arrangement, the Province, as the land owner, would recognize that any approved industrial activity would have a direct impact on an agricultural disposition holder who is already using the land. A first year and subsequent annual reimbursement for increased pressures would go to the agricultural disposition holder from the Province. With an average oil and gas well site, this would amount to a first year reimbursement of \$500, and an annual reimbursement of \$300. Compensation for damage to improvements would be made directly to the agricultural user by the industrial operator.
- Reimbursements to agricultural disposition holders will be first credited to the disposition holder's account. Reimbursements to the agricultural disposition holder's for annual compensation would be capped at the amount the disposition holder pays in yearly agricultural fees. First year reimbursements would not be capped.
- The reimbursements are intended to offset the pressures and supervisory efforts facing the agricultural disposition holder by the development.
- In those rare instances where an agricultural disposition is being re-tendered by the Province, industrial activity areas would be removed and no reimbursements will be paid.
- For pipelines, the activity area would not be removed from the agricultural disposition. The pipeline company would consult with the agricultural disposition holder regarding operational concerns. Damages to improvements would be paid directly to the agricultural disposition holder. The pipeline company would deal with the Province for authorization to enter the public land and would pay the Province the fees they currently pay the Province and agricultural disposition holder for access. A schedule of fees would be developed by the Province which will show the amount the pipeline company will pay. This schedule would be based on existing levels of disposition holder compensation and one time rental payments to the Province. The schedule will also consider regional differences. The Province will reimburse the agricultural disposition holder approximately 50% of the compensation received for the increased pressures on the agricultural lease holder.

For the other industrial developments such as surface materials, peat and other natural resources:

"Surface-material extraction should be viewed as for public good, therefore, no compensation should be paid to a lessee."

– Grande Prairie 1997

- The disposition area would be deleted from the agricultural disposition without compensation from the developer to the agricultural disposition holder. Payment for damage to improvements would be made directly to the agricultural user by the industrial operator.
- The Province, as land owner, would collect first year payment and annual rental from the developer. The Province would reimburse the existing disposition holder a fee recognizing increased pressures from the operation of the industrial development on the agricultural disposition.

- With temporary authorizations made by the Province, (e.g., for borrow pits), the use will be approved by the Province. The developer will consult with the disposition holder regarding operational concerns. The agricultural disposition holder would only be paid for compensation for damages to improvements.
- Appeals would not be accepted on industrial development decisions from the agricultural disposition holder.

Conservation Resource Management Fund

- The existing funds collected for industrial developments would continue to flow into the general revenue of the Province. Some of the “new” revenue created from the new arrangement for industrial development and exploration, will be placed in a Conservation Resource Management Fund. This fund would be used for the reimbursement of the disposition holder who is facing new pressures, partial funding of resource enhancement, resolving multiple use conflicts, education, and increased monitoring of dispositions.

Phase-in Period

A phase-in period will occur.

- Existing developments would continue under the old arrangements until January 1, 2002.
- Once the new proposal is adopted, all new oil and gas and other industrial developments would be approved under the new arrangements.

3.5 Industrial access for resource exploration

Concern was expressed by exploration companies (e.g., oil and gas, sand and gravel, metallic minerals) that agricultural disposition holders limit and sometimes deny their access to explore on public land under agricultural disposition.

Committee’s Intention

We believe that the Province’s role as land owner should be clearly established in its determination of what resource exploration activities can occur on public land. Although the agricultural disposition holder, as the “steward”, is faced with pressures from exploration for resources on public land which they have under an agricultural disposition, the Province’s role as the land owner must also be recognized.

Committee's Recommendations

- The Province, as the owner of public land, would decide on the exploration for any resource on public land without the negotiated consent of the agricultural disposition holder. The land use decision for the industrial exploration would be the Province's (i.e., the land owner's) responsibility after the exploration operator had consulted with the agricultural disposition holder regarding any operational concerns. Only compensation for damage to improvements would be made directly to the agricultural user by the industrial operator. The Province would mediate any disputes.
- Fees (e.g., Permit Fees) by the exploration operator would be paid to the Province (as land owner). The Province will develop a schedule of fees that would be paid to the Province, by the exploration operator, considering existing compensation levels and regional differences. The schedule of fees would also show the reimbursement of the agricultural disposition holder for approximately 50% of the recorded mile fee for the increased pressures the agricultural disposition holders face.
- Appeals would not be accepted on resource exploration decisions from the agricultural disposition holder.

3.6 Environmental protection

This issue revolves around the protection and use of natural resources on public land. Although this is a key concern, the issue occurs later in this list since many of the provisions are built into earlier recommendations.

Committee's Intention

We view the protection of natural resources and the sustainable use of these resources as key considerations for a long term public land management strategy. Natural resources should be protected and enhanced where possible and practical. Use of these resources must be done in a sustainable way to ensure the resources are available to future generations.

"Good habitat, good grass, good diversity, good grazing – they all go hand in hand."

– Medicine Hat 1997

Committee's Recommendation:

- A stewardship code of practice will be developed for agricultural users. This code of practice would be the barometer for the measurement of "good stewardship". A code of practice will also be developed for other users of public land. These codes will be publicized. Longer tenure will be offered to public land disposition holders who have proven to be good stewards. New disposition holders will be offered shorter term dispositions to prove their good stewardship prior to long term dispositions being granted. On existing longer term dispositions, proven poor stewards will be given a specific probationary term which would lead to the cancellation of the disposition if stewardship does not improve.
- All dispositions on public land will have mandatory five year audits by Provincial agrologists. When problem cases are identified, they will be checked yearly until the problems are resolved.

- Acquiring deeded conservation lands will be through the trade of saleable, less sensitive public lands.
- Grazing disposition holders will continue to file annual stock return forms, which would also note stewardship.
- Riparian areas on public land will be a priority for management. The proper management of these areas will be part of the code of practice to be developed. Stewardship courses for agricultural disposition holders as well as monitoring and enforcement will continue and be enhanced.
- Education and information initiatives with disposition holders will be continued and enhanced. Work with agricultural users has been extremely effective through efforts such as the “Cows and Fish” program. These programs will be continued and enhanced.
- The development of the Conservation Resource Management Fund will assist in resource enhancement projects, increased monitoring of dispositions, education, and helping to resolve some multiple use concerns.

3.7 Rental rates and municipal taxes

Grazing disposition holders are currently responsible for paying municipal taxes on public land they hold under disposition. They pay these taxes directly to the municipality. Submissions we received indicate that the relationship between the Province, as the owner of public land, and their tenants should be more in line with that between a private land owner and their tenant. We note that taxes are paid by the Province on Provincial Grazing Reserves.

Committee’s Intention

Throughout the public hearings and in written submissions, many people urged the Province, as the owner of public land, to assume a role similar to that of a private landowner. We agree with this basic concept.

The Province, as the landowner, should be responsible for the municipal taxes on their land. Similar to what happens in a private landowner and tenant relationship, the cost of these taxes would be built into the disposition fee charged by the landowner. The landowner, not the tenant, then pays the taxes directly to the municipality.

We also believe that the users of public land should not have an advantage over users of private land in regard to rental and benefits. Where rights and responsibilities on private and public land leasing arrangements are comparable, the return to the land owner should also be comparable.

“Rental rates should be more in line with private rates.”

— Lethbridge 1997

Committee's Recommendations

- The grazing disposition holder will no longer be responsible to pay taxes directly to the municipality for public land under disposition. Instead, the Province, as landowner, would forward to the municipalities the amounts normally assessed as taxes on these public lands. These payments would be in the form of a “Payment In Lieu Of Taxes”. Grazing fees would be re-defined to reflect such an arrangement, with the grazing disposition holder paying a “complete fee” for the disposition. The complete fee will be based on a formula that is flexible, and considers changes in cattle prices and changes in the applicable municipality’s tax rate.
- Rental rates will be reviewed after the changes recommended in our final report have been implemented and a new land owner/tenant relationship has developed. In the interim, rental rates will be inclusive of municipal taxes.

3.8 Grazing disposition assignments and tenure

This issue revolves around the ability to transfer the disposition and the length or term of the disposition.

Committee's Intention

We agree with many of the presentations that called for increased tenure on grazing dispositions held by proven “good stewards”. The Province, as the land owner, must rely on the grazing disposition holder as the resident “steward” of the disposition and “gate keeper” of the disposition for recreational access. Good stewardship should be rewarded and poor stewardship must be addressed. Stewardship should be recognized in the tenure of a disposition.

We believe that assignments of dispositions should continue within the family, however we have serious concerns when a disposition holder, or his heirs, receive “windfall profits” from the “sale” or transfer of the crown’s disposition. Major change made in this area would need to be phased in over time.

Committee's Recommendations

- The “normal” grazing disposition tenure will remain at 10 years. When new parties acquire a disposition (either a new disposition or a disposition that has been assigned), a shorter term disposition will be issued to allow the new parties time to exhibit their stewardship.
- For disposition holders that have proven to be good stewards, tenure may be increased to a maximum of 20 years. The decision for increased tenure will be based on the track record of stewardship by the disposition holder, and assessed against a Good Stewardship Code of Practice. This Code of Practice will be developed in consultation with the ranching community and other public land user groups.

“Taxes should be included in the rent, not paid by grazing lessees.”

— St. Paul 1997

“All users of public lands need clear guidance on their rights and responsibilities.”

— Calgary 1997

“Lessees who have proven to be good stewards of the land should be rewarded with longer term leases.”

— Medicine Hat 1997

Comments on the Interim Report to the Agricultural Lease Review Committee

(Summer 1998)

The Agricultural Lease Review Committee would appreciate your comments on the contents of its Interim Report. The following questions may assist you in providing your comments. Your comments on any or all of the questions would be appreciated. Please feel free to address issues that may not be part of these questions, either on the final page or on a separate document.

Thank you for taking the time to provide your comments!

1. The Committee has recommended a change in the status quo in the arrangement between the Province (landowner) and the disposition holders. Do you have a comment about this philosophical change?
2. Do you have a comment about the recommendations addressing surface compensation for resource development on agricultural dispositions?

3. The Interim Report outlines a change in management of access to public land. Do you have a comment about this change?
4. The report addresses many public land management issues. Some are more fully addressed as “issues” while others were commented on as “comments.” Please provide your thoughts about the Committee’s intentions or recommendations.
5. Are there other comments you have that the Committee should be aware of?

Please use the attached envelope to return your comments or you can also contact the Committee at:

Tom Thurber, MLA, Chairman
Agricultural Lease Review Committee
612 Legislature Annex
Edmonton AB T5K 1E4
Fax: 415-0951
E-mail: tthurber@assembly.ab.ca

Please tell us about yourself (check the most appropriate box):

Are you responding as:

An individual On behalf of a group

What would apply to your operation:

Public land lease holder Municipal government Academic/research
 Agricultural producer Non government Provincial
without public land lease environmental group Government
 Citizen (interested party)

What area of the province do you live in?

South Central North East North West Peace Region

Which best describes your location?

City Town/village Farm Acreage Other

Thank you for taking the time to provide your comments!

- For disposition holders that have a track record of poor stewardship, a probationary lease term would be initiated for 1 - 5 years. This disposition term would provide warning to the lease holder that their stewardship is in question and further action will be taken if this does not improve.
- Registration fees paid to the Province by the existing disposition holder will be reviewed at the same time as rental rates (after the land owner/tenant relationship has developed). The crown should capture the majority of the money paid in consideration for the assignment by adjusting its registration fees.
- Registration fees should be paid to the Province on the transfer of shares in a corporation that holds an agricultural disposition.

3.9 The name public land

We heard several issues and concerns revolve around the name “public land”.

Committee’s Intention

Public land is land owned by the Province and managed for Albertans. The term “public” gives an impression of ownership by all and an undeniable right for the public to use these lands, irrespective of prior rights being granted. The term “Crown” was seen to be too all encompassing and inclusive of other land managed by the Province such as Parks or the Federal Government.

“Public in Public Lands Act gives a false sense of understanding to the context of the Act.”

– Lethbridge 1997

Committee’s Recommendations

The term “public lands” will be changed to “provincial lands” and the Public Lands Act be changed to the Provincial Lands Act.

Note: Although we recommend this change, the term “public land” will be used throughout this document since this is the presently accepted term.

4. Comments

The following issues were seen as important. We chose to make “comments” on these issues to be considered in future public land management policy development. They are not fully developed, but reflect issues heard by the Committee and our general recommendations on those issues.

4.1 Public involvement

We recognize public involvement as an important part of making decisions on the use of public land. Today, there are opportunities for public involvement at all levels of decision making on public land, ranging from regional integrated decisions covering a large area, to local site-specific decisions such as for a grazing disposition or mineral surface lease. Public Lands staff manage public land in the White (settled)

Area of the province on behalf of Albertans. With this in mind, Public Lands staff, in their role as the land manager in the White Area, take into account a number of things in deciding whether public involvement is required to help them make their land management decisions. We feel that this process is reasonable.

4.2 Wildlife management

We view the protection of wildlife habitat as important. However, because of the transient nature of wildlife movement, the management of wildlife becomes a larger issue. We support the protection or enhancement of wildlife habitat on public land with the joint cooperation of the agricultural disposition holder. Other initiatives were also discussed earlier under the heading *Environmental protection*.

4.3 Access for trappers

Access for trappers to their registered trap lines should be allowed. Access will be allowed by foot, snowmobile, or quad. However, more communication between the agricultural user and the trapper will occur, to ensure each understands the others needs and concerns.

"Develop a public lands policy that fairly considers all values and uses."

– Calgary 1997

4.4 Grazing zone boundaries

Comments were received about the difference in grazing fees north and south of the North Saskatchewan River (boundary between grazing zone B and C). There were suggestions that the Peace River Block (in zone C) had more adverse differences to the rest of zone C, north of the North Saskatchewan, than does land north and south of the North Saskatchewan River. We suggest that the boundary be reviewed and consideration be given to creating a boundary that makes zone C the Peace River Block only.

4.5 Municipal needs

Municipalities will have some priority for resources on public land when the resource is needed for a public work. The Province, as land owner, will be able to withdraw parcels from a disposition without the agreement of the disposition holder for the public good (e.g. municipal needs). The government should set the rate of reimbursement for increased pressures to the agricultural disposition holder for these withdrawals.

4.6 Fragmentation of public land

Provincial policies should not create pressure for the fragmentation of public land into smaller and smaller units. Although we do not feel that this should be "regulated", some encouragement will be made to maintain the size of the units. We

recommend that where a conservation easement is placed on private land, tenure on public land leases held in conjunction with the private land could be increased to provide a degree of protection to the whole ranching unit.

4.7 Shared Stewardship Accord between Environmental Protection and Agriculture, Food and Rural Development

We view the accord as a success. It provides a “partnership” between the administration and management of public land. Agriculture, Food and Rural Development should continue to manage public land in the White Area as does Environmental Protection in the Green Area. Agriculture, Food and Rural Development should continue to be the one-window for management of public land in the White Area.

4.8 Grazing subletting

Subletting (also known as subleasing) is an agreement where the grazing disposition holder receives a payment from the third party in exchange for the third party's grazing use of the land. Currently, subletting of a grazing disposition is not allowed except in extraordinary circumstances, such as estate cases, medical problems of the disposition holder which temporarily prevents his use of the land, or other exceptional situations which might include fires, drought or range management tools. Subletting in these cases is considered as a last resort, is short-term in nature, and must be approved by the Province.

We agree with the current policy regarding the subletting of grazing dispositions. We are satisfied that the current system provides enough leeway to deal with unusual situations which may face producers. Current policies and procedures regarding the subletting of grazing dispositions are working well, and it is our view that no changes are necessary.

"Livestock should be the lessees cattle (no subleasing)!"

— Medicine Hat 1997

4.9 Aboriginal issues

We heard from aboriginal groups and individuals through written presentations and at a number of the public meetings. These issues have been forwarded to the Department of Intergovernmental and Aboriginal Affairs for their information and appropriate action.

4.10 Identification of public land

We heard that people cannot identify which lands are public and which are private. Wherever possible and practical, public land should be identifiable.

We recommend that the Department of Alberta Municipal Affairs consult with local municipalities to encourage standardization of the identification of public land on municipal maps.

4.11 Agricultural dispositions

We recommend that the current range of agricultural dispositions (lease, licence, permit, and grazing contract) be reduced to either an agricultural lease or an agricultural agreement. Agricultural leases will be issued for short term or long term periods, recognizing the lease holder's stewardship. Agricultural agreements will cover the situations where the land's primary use is not agricultural. Either disposition would carry appropriate conditions.

4.12 Definition of livestock

Currently the Public Lands Act allows the grazing of "livestock" on public land. "Livestock" is defined in the Act as cattle, horses and sheep. Over the years the practice has evolved to allow the grazing of bison although they are not included in the definition.

We support the multiple use of public land and also recognize the desire for diversification of the livestock industry in Alberta. Sound range management can include the grazing of bison. However dispositions issued for grazing of these animals often result in single use areas. Fencing required to confine these animals can restrict wildlife movement. The temperament of the animal as well as the fact that they often graze year round restricts the use of these lands for other uses.

With these factors in mind, we recommend that the Public Lands Act could be amended to expand the definition of "livestock" providing this "new" type of livestock is proven not to place new limits on the multiple use of these areas. Fencing of grazing dispositions should not impede wildlife movement.

4.13 Timber harvesting on agricultural dispositions

"Communication must occur at the earliest stages of planning so that issues can be reviewed and site specific solutions can be implemented."

– Lac La Biche 1997

We heard concern expressed by grazing lease holders that logging of timber on the grazing lease can seriously impact their ability to graze cattle. We recognize the value of the timber industry in Alberta and the need to access the timber resource. We understand that a grazing lease does not convey any rights or priority to the timber resource on the lease area except for the timber removal for the perimeter fence construction.

The timber operator, the grazing lease holder, and the Province should be involved in discussions at the earliest possible time to ensure that impacts on livestock grazing are minimized and cleanup and reclamation/reforestation is planned and implemented considering the grazing use. Wherever possible summer logging will be avoided. Any damage to improvements (e.g. fences, roads) by the logging

operation must be corrected by the logging operator or compensation for these damages paid to the grazing lease holder.

When logging on a grazing lease occurs under a sustained yield timber program, up to 40% of the productive upland will be considered for conversion to permanent pasture. Any conversion to permanent pasture will be part of the grazing lease management planning process involving the Province and the grazing lease holder.

4.14 Timber resources on public land in the White Area

Significant timber resources exist on public lands in the White Area throughout the province. These timber resources are normally not subject to long term commitment and harvested under short term permits or licenses, usually where the land is being converted to agriculture. Both companies and individuals in the timber business have expressed their desire to gain long term control over a White Area public land base for timber management and harvesting - what they all phrase a "woodlot".

We recommend a new woodlot disposition be investigated that would give the right to manage and harvest timber on a sustained yield basis from a specific area of public land. The term of the agreement could be up to 20 years, and the area would normally be small (e.g. one or two sections). The operator of the woodlot disposition will have exclusive rights to harvest timber within the defined area and will be responsible for preparation of a timber management and harvest plan, reforestation, annual reporting on logging, and payment of all fees. Crown timber dues and an annual fee for use of the land should also be levied. The operator will not have the right to control access.

We recommend that woodlots be allocated to individuals or associations, rather than the larger operators. There is at present little opportunity for smaller operators to enjoy the same security of supply as the larger companies. The opportunities are also greater for the small operators to process the timber into higher valued products.

Woodlot dispositions would preferably be established on vacant land, but could also be issued on grazing dispositions. While some timber harvesting and reforestation currently takes place on some grazing leases, it requires good cooperation between grazing lessees and loggers.

A long term relationship between a woodlot operator and a grazing lessee will need to clearly lay out the respective rights and responsibilities of both parties and ensure proper cleanup, reclamation, and reforestation by the woodlot operator. The association form of woodlot disposition might be especially appropriate on grazing dispositions. The smaller operators would have access to wood, but the larger association could take some of the responsibility for ensuring a smooth relationship with the grazing disposition holder. Now grazing disposition holders who want to do range improvement clearings must wait for timber permits to be issued, logging to happen, etc, a process that can take a couple of years. Fenceline clearing can involve

"Sustained levels of harvesting timber resources should be promoted through the establishment of community woodlots."

– High Prairie 1997

substantial amounts of salvage timber, but often it is not economical for a logger to take it away. A woodlot operator on the same area could work with the grazing leaseholder to expedite the logging.

A planning mechanism would also be needed to determine how much land in the White Area should be designated for long term timber production. This process should also designate areas suitable for woodlot disposition, both from the timber/natural resource perspective, and also from the perspective of community and public acceptability. An allocation mechanism would also be needed to choose the woodlot operators. Some jurisdictions base selection on a detailed evaluation of the qualifications of the individual; the process most commonly used for public land and timber dispositions is high bid through auction or tender.

5. Where do we go from here?

This public land management strategy and recommendations on issues for the White Area are being presented for public review. **If you have any comments on parts or all of the document, we (the Agricultural Lease Review Committee) would like to hear from you!**

A questionnaire, for your use, is included in this report. Feel free to comment on or expand on areas not adequately covered by the questionnaire.

Additional copies of this report or the questionnaire can be obtained through two routes:

- by requesting a copy by phoning (403) 427-3595, (toll free by first phoning 310-0000), or
- by downloading from the Department of Agriculture, Food and Rural Development's website at
<http://www.agric.gov.ab.ca/ruraldev/publands/aglease/index.html>

Comments can be provided by completing a questionnaire or writing down your comments and sending through three routes:

- through e-mail at: tthurber@assembly.ab.ca, or
- by mail to:
Tom Thurber, MLA, Chairman
Agricultural Lease Review Committee
612 Legislative Annex
Edmonton, AB T5K 1E4
- by fax to: (403) 415-0951

We strongly encourage anyone with comments on this Interim Report to let us know! Written comments will be reviewed during the summer prior to any further public review.

Appendix I

Terms of Reference for the Agricultural Lease¹ Review Committee

1. Recommendations of the Committee are to be presented to the Ministers of Agriculture, Food and Rural Development and Environmental Protection in the form of a written report by the Committee Chairman.
2. The Chairman shall be the official representative of the Committee at meetings and functions but he may appoint a member to assist or represent him.
3. The Committee may study and make recommendations to the Minister concerning:
 - (a) agricultural lease rental rates,
 - (b) access control and associated compensation paid to agricultural lease holders for permission to access the surface of the land for such uses as:
 - i) recreational (public) access and trespass
 - ii) industrial access for removal, exploration (seismic), or use of resources (i.e. sand and gravel, oil and gas, timber, and peat). This review will not address levels of surface rights compensation (Surface Rights Act). However, the question of "who" should be compensated may be addressed.
 - iii) municipal access for uses such as roads;
 - (c) other issues related to agricultural leases and activities on public land that arise from public input.
4. The process to be used will be generally as follows:
 - (a) Mr. Thurber and the Agricultural Lease Review Committee will seek out the concerns of organizations and individuals. This consultation process will occur in the summer/fall of 1997 and end with the public release of an interim report. The report will outline what the Committee has heard and provide broad policy proposals.
 - (b) Public reaction to the interim report will be received during early 1998. A final report with recommendations for policy direction will be released after public consultation on the interim report.
 - (c) A new *Public Lands Act* regulation will be released to the public in draft form in the summer of 1998. The regulation will give careful consideration to the recommendations of the report.
 - (d) Consultation on the regulations will occur in the fall of 1998.
 - (e) With the completion of the review process in the fall of 1998, subsequent changes will be made to legislation, regulations, or operating policy and procedures.

¹ The term "lease" used in this Terms of Reference means lease, licence, or permit.

Appendix II

Public Meeting Schedule of the Agricultural Lease Review Committee – 1997

The Agricultural Lease Review Committee held 23 public meetings in 20 locations across Alberta during October and November of 1997 to consult with Albertans on views and issues they wished to present concerning the management of public land under agricultural lease in the White (settled) Area of Alberta. The dates and locations of these meetings were as follows:

October 20, 1997	Brooks and Medicine Hat
October 21, 1997	Lethbridge (two meetings)
October 22, 1997	Nanton and Cochrane
October 23, 1997	Calgary (two meetings)
November 3, 1997	Drumheller and Red Deer
November 4, 1997	Rocky Mountain House and Drayton Valley
November 5, 1997	Wainwright and St. Paul
November 6, 1997	Lac La Biche and Westlock
November 12, 1997	Edson
November 13, 1997	Edmonton (two meetings)
November 24, 1997	Fort Vermilion and Peace River
November 25, 1997	High Prairie and Grande Prairie

Appendix III

Agricultural Lease Review Overview of Key Issues

Introduction and Overview of Key Issues

This overview has been prepared by **Praxis, Inc.** on behalf of Alberta Agriculture, Food and Rural Development. Praxis, Inc. has reviewed the written and verbal submissions made to the Agricultural Lease Review Committee, chaired by Tom Thurber, MLA for Drayton Valley-Calmar. This overview incorporates an analysis of the major issues identified by respondents as areas of concern. While many other issues were addressed by the respondents, and reviewed by the Committee, only the main concerns have been included in this analysis. Several petitions were received in the course of this consultation. These were entered into the database and were analysed as though they were submitted by one individual as opposed to a number.

The major issues analyzed here include:

- surface compensation
- access
- overall management of public lands (environmental protection)
- sale of public land
- rental rates
- lease assignments/length of leases/renewal/transferability
- government jurisdiction
- Agricultural Lease Review Process
- access liability and damages

Among those making submissions to the Agricultural Lease Review Committee, there is notable consensus regarding the need for sound and sustainable management of Alberta's public lands. However, some participants place greater emphasis on protecting the environment while others place more importance on developing the agricultural industry. The following will outline some of the major issues and will also outline some of the consensus and debate.

For a number of issues the support given to current policies and practices differed between the written and verbal submissions. It is important to note that the number of participants who made written submissions (454 submissions) was nearly double of those making verbal submissions (259 submissions).

Surface Compensation

Surface compensation was the issue that received attention from the largest number of submissions to the Lease Review Committee. Of the submissions giving

comment on surface compensation, 325 were written submissions and 93 were verbal submissions. Generally there was stronger support among those making verbal submissions for the public land lease holder to receive surface compensation fees than there was among those making written submissions.

Generally among those making written submissions, it appears that the current system of surface compensation is unacceptable. Many of these respondents insist that surface compensation should go to the government rather than the lease holder. It is said that because lease lands belong to the public, the revenues should go to public revenue. Examples of certain ranchers who are collecting thousands of dollars in surface compensation were cited by some respondents. Much of the concern seems to be focused on those cases where surface compensation exceeds the rent for the land. It is also noted that surface compensation represents revenue lost from the government to the ranchers. This revenue is said to be needed for debt repayment, environmental programs, education, health care and community development.

Among written respondents, there is considerable support for a system in which the government receives surface compensation and the lease holder is paid compensation for loss of use, lowered productivity, damage to improvements, inconvenience and other expenses. There is less support for a system in which the lease holder continue to receive the surface compensation as long as the amount does not exceed the rental amount. Others suggest a 50/50 split between government and the lease holder. There is some support for a system in which all surface compensation funds is directed into a public lands fund that would support environmental protection and rehabilitation programs.

In contrast to those making written submissions, those making verbal submissions appear to give overwhelming support for a system in which the lease holder alone receives surface compensation. The following reasons are given: the government already receives royalties from mineral rights; compensation on leased lands is a fraction of what it is on private land; the lease holder is responsible for the land and its costs; the moneys are normally reinvested into the land; the lease holder polices and administers access and government is too bureaucratic to collect it efficiently.

In addition to recommendations regarding allocation of surface compensation, some respondents recommended that surface compensation fees be standardized. There was marginal support for this recommendation. These respondents state that a standard fee or formula would prevent the lease holder from continuing to benefit excessively from the fees paid by other users. It is said that the compensation process has become cumbersome and exorbitant.

Access

Access was the issue that received attention from the second largest number of submissions to the Task Force. Of the submissions giving comment on access, 272 were written submissions and 80 were verbal submissions. Generally there was strong support among those making verbal submissions that access should require permission from the leaseholder. In contrast there was strong support among those making written submissions that permission for access should not be required.

Generally, respondents making verbal submissions appear insistent that permission for access to leased lands should be needed from the disposition holder. It is said that permission is necessary, especially during grazing season, for the ranchers to provide the best protection for the land, their livestock, the public and themselves. It is further said that control of access is one aspect of the custodial responsibility given to the disposition holder. It is also asserted that access to lease lands should be controlled similarly to private land.

To facilitate controlling access a number of recommendations are offered. These include developing comprehensive mappings and listings of leases and lease holders; distributing standardized permission slips and informing people of their rights and responsibilities with respect to disposition lands through public education.

In contrast, an overwhelming number of those making written submissions insist that permission should not be needed to access leased lands, particularly in the case of access by foot. It is strongly stated that disposition lands are public lands and should be therefore be accessible to the public. Furthermore, it is said that obtaining permission to access leased lands can be difficult and time consuming. Some respondents recommend that permission should not be needed when the grazing season is over or where the leased lands are not occupied.

Some respondents assert that increased access should be accompanied by public education with responsible use being taught. Others say that access could be restricted in some areas such as near buildings and cattle. It is also said that increased access should not be at the expense of the lease holders.

Some respondents recommend that access to public lands should be addressed in a comprehensive, publicly-developed public lands policy. Furthermore, it is suggested that this policy should be formed with the input of multi-stakeholder groups.

Among those making either written or verbal submissions, there was some support for increased municipal and industrial access. They recommend consistent, standardized and predictable access to leased lands. Members of the forestry industry and trappers insist that their rights to access the land must be upheld. Oil and gas representatives, also want access to public land. Many hunters and other recreational users also recommend reasonable access.

In addition, there appears to be considerable interest in an appeal process for those parties who believe they have been unreasonably denied access to leased lands. It is recommended by some that an appeal board be composed of staff from Public Lands. Others recommend that the Environmental Appeal Board could perform this role. An alternative recommendation is that an appeal board should be made up of members of the ranching, government, industry, recreation and wildlife communities.

Overall Management of Public Lands

The overall management of public lands was the issue that received attention from the third largest number of submissions to the Task Force. Of the submissions

giving comment on the overall management of public lands, 222 were written and 127 were verbal.

It appears that many of those making written submissions believe that new policies are needed for the overall management of public lands. Public lands are considered to be critical to Alberta's heritage and vital to the quality of life in Alberta. Social, economic, and ecological benefits are thought to result from the aesthetic, historical, recreational, tourism, wildlife, grazing, timber, mineral, water, and public health values of these lands. Also, public lands offer some of the best opportunities to protect Alberta's grassland, parkland heritage as well as providing new opportunities for regional economic growth. It is said that all of these uses and values should be respected in a comprehensive public lands policy formulated in by a multi-stakeholder process. At present, there is concern that ranchers have been able to dominate policy formulation for public lands.

A number of those making written submission are concerned about the ability of the government to monitor and enforce environment regulations on the lease lands. It is said that cutbacks have reduced the capabilities of the government so significantly that lease holders are able to do 'what they like on the land'. Some respondents note that few, if any, leases have been revoked for environmental abuses. It is said that any such abuses must be dealt with if the lands are to be protected. Particular concern is expressed regarding wetlands. Increased governmental spending, more frequent inspection and enforcement are suggested. Others recommend that the government, with stakeholders, formulate a specific Range Management plan that would guide the lease holders.

In contrast, those making verbal submissions appear more supportive of protecting the interests of the grazing and ranching communities. Some say that the leased lands are an essential part of the ranching industry. Furthermore, concern is expressed that any changes to the management of public lands might interrupt economic activity in this sector and especially the production of inexpensive food for all Albertans. As well, some of the respondents insist that the land and environment are well taken care of. It is said that ranchers in particular have learned many new practices and have embraced many new technologies resulting in good environmental preservation. It is also said that grassland is adapted for grazing by buffalo and therefore by cattle. More education programs are recommended for improving the management practices of the lease holders.

There is considerable support among written and verbal submissions for changes that would make the leasing system more fair and equitable. It is said that more could be done to encourage responsible and sustainable use of the lands to enhance their ongoing health; to allow more new ranchers access to lands and to prevent speculators from acquiring lease lands.

Sale of Public Lands

The sale of public lands was the issue that received attention from the fourth largest number of submissions to the Task Force. Of the submissions giving comment on this issue, 255 were written and 59 were verbal.

There appears to be strong support among those making written and verbal submissions that public lands should not be sold. It is said that the lands are a resource of the people of Alberta and should not be disposed of. It is also said that it is in the best interests of the environment for these lands to remain public. Some respondents recommend that rather than selling public lands, these lands should be administered by the government in a sustainable and comprehensive manner.

However, there is limited support for the sale of some public lands under the condition if there is no environmental significance, if they are needed for increasing agricultural output, if a multi-stakeholder process is first done or if other lands are purchased by the government.

In the event that public lands are to be sold, the following often contradictory recommendations regarding practices are made. It is said the land should be appraised at market value and offered to the closest farmer first and then to the next until sold; or that the land should be auctioned among local bidders only; or that the land should be auctioned among ranchers only thereby eliminating the influence of speculators; or that the land should be sold by public auction with some of the proceeds going to the lease holder in compensation for any improvements made to the land; or that public lands should be sold to allow new or established farmers needing to acquire lands; or that the lease holder should be offered first refusal before public sale; or that the land should be sold in an open auction that is well advertised and available to all.

Rental Rates

The rental rates of public lands was the issue that received attention from the fifth largest number of submissions to the Task Force. Of the submissions giving comment on this issue, 235 were written and 57 were verbal.

Generally, there is support among those making written submissions for increases in the rental rates applied to leased lands. Many respondents say that current rental rates for grazing dispositions are too low. It is said that the rates should be similar or identical to those of private grazing lands. In some cases, this would mean increasing the current rates by three, four or five hundred percent. It is suggested that the low rates are unfair, for example, to the taxpayers and to competing ranchers. However, it is also said that any increases in rental rates should be applied gradually to offset significant harm to the ranchers. In addition, there is marginal support for decreased rental rates for those lease holders who demonstrate good environmental practices such as multi-use grazing regimes, habitat conservation and species protection.

Recommended processes for determining rental rates include public auction; determining what rights and responsibilities the leaseholder has and compare this to private land; and appraisal of the productive value of the land.

In contrast to those making written submissions, many of those making verbal presentations strongly favour present rental rates. There is concern that higher rates would bring financial ruin to many operations and would lead to environmental abuse. It is also said that there are many other costs associated with operating on leased lands which, when added together, make these lands expensive to lease.

These costs include fencing, clearing, breaking, maintenance, surveillance, weed control, water development, access administration, taxes and pasture improvements. It is suggested that the low rates are compensation for the many roles assumed by the lease holder: conservationist, park ranger, tour guide as well as search and rescue operator.

There is marginal support for changes to rental rates being preceded by a multi-stakeholder process that would investigate the current rates. It is said that more information is needed before any decisions are made. In particular, more study is needed regarding environmental consequences of increased rental rates.

Lease Assignments/Length of Leases/Renewal

Of the submissions giving comment on issues related to the assignment of leases and their length, renewal and transferability, 126 were written and 81 were verbal.

A considerable number of respondents recommended longer lease periods for grazing leases. It is said that 20- or 30-year leases would promote better land management practices because shorter leases promote short-sighted attempts to recover expenses 'at any cost.' Longer terms are also needed to allow for long-term planning in the ranching industry. In addition to longer lease periods, there is considerable support for automatic lease renewals, except in cases where the land has been neglected. It is also said that transferability of the leases is necessary for many ranching operations to remain viable.

In contrast to the above, a considerable number of written and verbal submissions support more flexible or shorter termed grazing dispositions. It is said that shorter terms are needed to allow for the next generation to gain access to land. Shorter terms are said by others to be needed to ensure responsible management. However, it is also said that tenure could be extended for those who have proven to be good stewards of the land. Some respondents express concern that leases are being sold or transferred. Others recommend that grazing lands should be returned to the government or sold when the current lease expires.

Government Jurisdiction

Of the submissions giving comment on issues related to government jurisdiction, 113 were written and 31 were verbal.

A considerable number of those making written submissions recommend that the Alberta Environmental Protection should have a larger role in managing public lands. It is said that Alberta Agriculture, Food and Rural Development has had too much of an influence. Similarly, it is recommended that these government departments resolve their differences and develop a more comprehensive public lands policy. A policy that integrates land protection, ecosystem-based management, and public land involvement through multi-stakeholder processes is recommended.

In contrast, a considerable number of those making verbal submissions express support for current policies and departments.

Agricultural Lease Review Process

Of the submissions giving comment on the agricultural lease review process, 160 were written and 54 were verbal.

A considerable number of those making written submissions express concern that Lease Review Committee is biased towards the rights of the grazing lease holders or ranchers. It is said that some respondents have not participated in the process because they believe the Committee to be hostile to their point of view. Some respondents recommend that the committee should not be empowered to make binding recommendations because of the absence of members of the public or the opposition present. Instead, it is said that any recommendations should serve only as a starting point for further meetings involving all stakeholders so that consensus and inclusiveness should replace conflict and hierarchy. Others ask why previous recommendations have not been implemented. They express concern that this review process will also not result in change.

In contrast, a considerable number of those making verbal submissions offer support for the lease review consultation process. A number of the respondents appreciate the time and effort of the Committee to travel to all parts of Alberta to hear their opinions.

Access Liability and Damages

Of the submissions giving comment on issues related to access liability and damages, 83 were written and 37 were verbal.

Generally those making submissions recommend more clarity regarding liability. People appear to want to know what their responsibilities are, when they are liable and who is responsible. A strengthening of the current 'Use Respect' policy is recommended. It was also said that it would be unfair for the lease holder to be held liable if they do not control access to the land. An 'Enter At Your Own Risk' policy is recommended by some. Others recommend that the disposition holder should not be liable unless they are grossly negligent. There also is some support for a 'User-Insurance' that would protect both the disposition holder and the user of the land. In contrast to those respondents offering recommendations, others indicate that liability is a non-issue or a 'red-herring.'

Appendix III was prepared by Praxis Inc.

Appendix IV

Definitions

For the purposes of this report, a number of terms have been used that have a particular meaning. In order to aid the reader in clearly understanding the report, these terms are defined below:

“Agricultural agreement” – is issued when the primary use of the land may not be agriculture. The agricultural component is managed under an agricultural agreement, for short or long-term grazing, with appropriate conditions.

“Assignment” – is a written transfer of interests and rights from the disposition holder (assignor) to another party (assignee) of the terms of the existing agreement.

“Disposition” – is a land use contract issued under the Public Lands Act. Currently a disposition may be a lease, licence, or permit. In the Committee’s recommendations, an agricultural disposition would be only a lease or grazing contract.

“Gate keeper” – The Province, as the land owner of public land in the White Area, is currently not actively managing recreational access on land under an agricultural disposition. We propose, as the land owner, the Province would designate the agricultural lease holder as its “gate-keeper” for control of recreational access to the agricultural disposition.

“Lease” – is issued primarily in situations where the primary use is grazing, and will be issued for short or long terms.

“Reasonable access” – is unpaid public access which would not adversely impact the livestock operation or cause damage to the grass resource or improvements created by the disposition holder.

“Recreational user” – is a member of the public who temporarily uses public land for recreational pursuits including, but not limited to, hiking, hunting, birdwatching, fishing, trail riding, bicycling, skiing, berry or herb picking, photography, camping, off road vehicle use, and snowmobiling.

“Stewardship” – carries the responsibility to assist in protecting the resource health and long-term sustainable production of the agricultural disposition through careful management of the components of rangeland ecosystems.

“Tenure” – the length of a term of a disposition.

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